

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.

I do find it frivolous, and a bit silly, to include an anti-copy flag as I can still copy in the down converted analog domain and get quite a good recording. It can then be reconverted to digital, being cleaned up through digital processing if needed. Consumers desiring a specific program are not going to allow the inability to copy in digital stop them.

Look at how many in the beginning of cd copied those onto cassette for car playback. Many teenagers also copied and shared cds via cassette.

With currently available technology and hacking knowledge the flag will be, soon enough, rendered ineffective. So, if it is going to be broadcast, it is going to be copied, whether in digital or analog. If the production companies do not want it to be copied then they will have to withhold broadcast.

The flag is just another useless piece of technology that will withstand hacking all of 6 months. No need to waste the public's time and money on it, nor yours. Let them just issue it on DVD, which had its recording copy protection cracked before even leaving the starting gate!

